FLORIDA BOARD OF HEARING AID SPECIALISTS

FULL BOARD MINUTES

June 29, 2020 at 9:00 A.M. EST

Telephone Conference Call

Dial-in #: 1 (888) 585-9008 **Participation Code**: 744-469-610



Leanne E. Polhill, H.A.S., Chair

Janet E. Hartman, Executive Director



MEETING CALLED TO ORDER @ 9:03 A.M. EST

Janet Hartman conducted roll call.

BOARD MEMBERS PRESENT:

Leanne E. Polhill, H.A.S., Chair Randy Ellsworth, H.A.S., Vice-Chair Pamela Dechmerowski, H.A.S. Douglas Moore, H.A.S. Robert Pickard, MD

BOARD MEMBERS NOT PRESENT:

Thomas Hollern

BOARD STAFF PRESENT:

Janet Hartman, Executive Director Eric Pottschmidt, MBA, Program Operations Administrator John B. Fricke, Jr., Assistant Attorney General Rose Garrison, Senior Attorney Gerald Henley, Assistant Attorney General

COURT REPORTER:

For The Record - 850-222-5491

PROFESSIONALS RESOURCE NETWORK (PRN)

Dr. Alexis Polles, Medical Director

AGENDA

REVIEW AND APPROVAL OF MINUTES - April 9, 2020 and May 22, 2020

Motion: by Doug Moore to approve April 9, 2020

Second: by Pam Dechmerowski Vote: Passed Unanimously

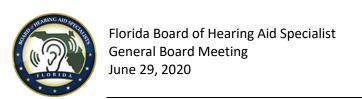
Motion: by Pam Dechmerowski to approve May 22, 2020

Second: by Doug Moore Vote: Passed Unanimously

DISCIPLINARY PROCEEDINGS (TS – 05:45 Minutes)

SA-01 Michael S. Wheeler, H.A.S., Case Number 2018-16927

Gerald Henley, Assistant General Counsel presented case.



Michael Wheeler was not present when the SA was presented and did not have legal representation.

Pam Dechmerowski asked if Mr. Wheeler has entered in the PRN program.

Dr. Alexis Polles, Medical Director, responded. Mr. Wheeler did get a second opinion through one of PRN's evaluators that concurred with the first opinion and chose not to proceed with the recommendations and did not sign a contract with PRN.

Dr. Pickard asked how the SA is affected when he did not sign a contract with PRN. Gerald Henley responded that Mr. Wheeler's license would be suspended until he signed a contract with PRN.

Leanne Polhill asked if the SA was accepted, would Mr. Wheeler's license show as suspended during a license look-up. Rose Garrison responded in the affirmative once the final order has been filed.

Randy Ellsworth asked if there is a certain length of time that the suspension would last before he has to comply before his license becomes revoked, or can his license stay suspended as long as Mr. Wheeler chooses? Rose Garrison responded that generally, the terms are indefinite until Mr. Wheeler complies with the terms of the SA, and if he never goes to PRN, his license will remain suspended.

Pam Dechmerowski asked if he is able to renew his license if his license is under suspension at license renewal time in February. Gerald Henley responded in the affirmative that the license could be renewed active while being in suspension status.

After discussion, the following action was taken:

Motion: by Randy Ellsworth to accept the SA.

Second: by Pam Dechmerowski Dr. Pickard abstained from voting.

Dr. Pickard retracted abstaining from voting and voted in agreement to accept the SA.

Vote: Passed Unanimously

VR-01 Debra L. Stefa, H.A.S., Case Number 2019-26295 (TS - 20:45 Minutes)

Rose Garrison, Esq., Assistant General Counsel presented case.

Debra L. Stefa was not present when the VR was presented and did not have legal representation.

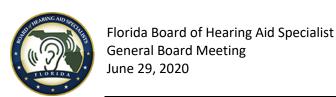
After discussion, the following action was taken:

Motion: by Randy Ellsworth to approve the VR.

Second: by Pam Dechmerowski Vote: Passed Unanimously

PROSECUTOR'S REPORT

Total Cases open/active in PSU:	12
Cases in Emergency Action Unit:	2
Cases under legal review:	6
Cases with probable cause recommendation:	3



Total Cases where PC has been found:	2
Cases in holding status:	0
Cases pending before DOAH:	0
Cases in intake status:	0
Cases agendaed for Board:	1
Cases on Appeal:	0
Total Number of Cases Older Than One Year:	5

Motion: by Randy Ellsworth to allow PSU to continue to prosecute 1 year and older cases.

Second: by Pam Dechmerowski Vote: Passed Unanimously

APPLICATIONS REQUIRING REVIEW (TS – 24:30 Minutes)

Austyn Lyons - Hearing Aid Specialist Trainee - File # 1181

Janet Hartman presented case into record.

Austyn Lyons was not present when his application was presented and did not have legal representation.

After discussion, the following action was taken:

Motion: by Randy Ellsworth to require appearance at one of next two meetings.

Second: by Pam Dechmerowski Vote: Passed Unanimously

REPORTS

Chair's Report - Leanne E. Polhill - Nothing to report.

Vice Chair's Report - Randy Ellsworth - Nothing to report.

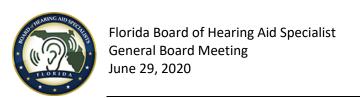
<u>Executive Director's Report – Janet Hartman</u> (TS – 38:00 Minutes)

Legislative Update

Janet Hartman reviewed HB 115 which at the Governors discretion, the Bill may either be signed, vetoed, or default on July 1, 2020. This Bill clarifies the United States Department of Health and Human Services Office of Inspector General (OIG) question related to student loan default with two additional questions.

Revised Paper Applications

Janet Hartman reviewed the following three applications for Board considerations that reviewed updating of the health history questions, and the United States Department of Health and Human Services Office of Inspector General (OIG) question related to student loan default with two additional questions.



DH-MQA 1155, 7/2020 - Application for Examination DH-MQA 1156, 7/2020 - Application for Licensure DH MQA 1158, 7/2020 - Application for Training Program Registration

After discussion, the following action was taken:

Motion: by Pam Dechmerowski to approve all applications as written.

Second: by Dr. Robert Pickard Vote: Passed Unanimously

Financial Report

Janet Hartman reviewed financial report.

Board Counsel Report - John B. Fricke, Jr. (TS - 42:30 Minutes)

Rule 64B6-5.001, F.A.C. – Recommended Rule language change that states: "For the 2019-2021 biennial renewal period, all continuing education specified by Chapter 64B6-5, F.A.C., may be obtained by completion of courses offered in a distance learning format"

The Board discussed placing on the agenda of a next meeting, discussion of considering changes to the contact hours vs. distance learning structure of the current CE requirements.

Motion: by Randy Ellsworth to accept the recommended rule language as presented.

Second: by Pam Dechmerowski **Vote:** Passed Unanimously

Board counsel noted that there will be a gap between the end of the emergency rule, and the time this new language will go into effect, and asked the Board if they would consider making a motion to allow continuing education specified by Chapter 64B6-5, F.A.C., to be obtained by completion of courses offered in a distance learning format during this period of gap.

Motion: by Pam Dechmerowski to allow continuing education to be obtained offered in a distance

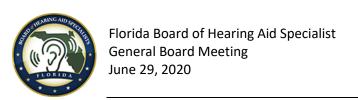
learning format during this period of gap.

Second: by Dr. Robert Pickard **Vote:** Passed Unanimously

Will the proposed rule amendments have adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation?

Motion: by Pam Dechmerowski votes "NO"

Second: by Dr. Robert Pickard **Vote:** Passed Unanimously



Should a violation of this rule or any part of this rule be designated as a minor violation?

Motion: by Pam Dechmerowski votes "NO"

Second: by Randy Ellsworth **Vote:** Passed Unanimously

Rule 64B6-2.003, F.A.C. (TS – 58:45 Minutes)

Motion: by Pam Dechmerowski to accept the rule language as written

Second: by Doug Moore **Vote:** Passed Unanimously

Will the proposed rule amendments have adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation?

Motion: by Pam Dechmerowski votes "NO"

Second: by Doug Moore **Vote:** Passed Unanimously

Should a violation of this rule or any part of this rule be designated as a minor violation?

Motion: by Pam Dechmerowski votes "NO"

Second: by Doug Moore **Vote:** Passed Unanimously

Would a Sunset provision be applicable to this Rule?

Motion: by Pam Dechmerowski votes "NO"

Second: by Randy Ellsworth **Vote:** Passed Unanimously

Rule 64B6-8.002, F.A.C. (TS - 1:02:00 Minutes)

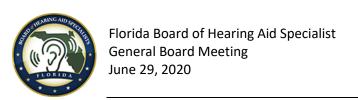
Motion: by Pam Dechmerowski to accept the rule language as written

Second: by Randy Ellsworth **Vote:** Passed Unanimously

Will the proposed rule amendments have adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation?

Motion: by Pam Dechmerowski votes "NO"

Second: by Randy Ellsworth **Vote:** Passed Unanimously



Should a violation of this rule or any part of this rule be designated as a minor violation?

Motion: by Pam Dechmerowski votes "NO"

Second: by Randy Ellsworth **Vote:** Passed Unanimously

Would a Sunset provision be applicable to this Rule?

Motion: by Pam Dechmerowski votes "NO"

Second: by Randy Ellsworth **Vote:** Passed Unanimously

Annual Regulatory Plan

Motion: by Pam Dechmerowski to allow Chair Polhill to work with board counsel to finalize the ARP

before October.

Second: by Doug Moore **Vote:** Passed Unanimously

Committee Report

CE Committee - Douglas Moore - No update.

RATIFICATIONS

Licenses Issued

Motion: by Randy Ellsworth to accept the ratification list for 3601

Second: by Pam Dechmerowski

Passed: Unanimously

Motion: by Pam Dechmerowski to accept the ratification list for 3603

Second: by Randy Ellsworth

Passed: Unanimously

OLD BUSINESS/NEW BUSINESS - No old or new business.

NEXT MEETING DATE - November 13, 2020 @ 9:00 A.M.- Teleconference

PUBLIC COMMENTS - No public comments.

ADJOURNMENT @ 10:15 A.M. EST